



Entered on Docket
October 27, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,¹
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,²
USA SECURITIES, LLC,³
Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FIFTH OMNIBUS
OBJECTION OF USACM LIQUIDATING
TRUST TO DOUBLE COUNTED
CLAIMS**

Hearing Date: October 19, 2009
Hearing Time: 3:00 p.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Fifth Omnibus Objection of USACM Liquidating
2 Trust to Double Counted Claims; and Certificate of Service” [DE 7502] (the “Objection”);
3 the Court having heard the Objection on October 19, 2009; appropriate notice of the
4 Objection having been given; no response to the Objection having been filed; and good
5 cause appearing:

6 **IT IS ORDERED** that:

7 1. The Objection [DE 7502] is sustained; and

8 2. The claims listed on **Exhibit A** are disallowed in the amounts shown there.

9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (018024)

12 Rob Charles

13 John Hinderaker (*pro hac vice*)

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18 *Attorneys for USACM Liquidating Trust*

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
 Attorneys for USACM Liquidating Trust

USACM

Exhibit A
Proofs of Claim Asserting Duplicate Amounts

Name	Address	Claim #	Total Amount of Claim as Listed in Claim Register	Claim Amount Subject To Objection as a Duplicative Amount
DAR LIVING TRUST DTD 2/12/03	DARLENE HAMMOND TTEE 308 LA RUE CT LAS VEGAS NV 89145	10725-02045	329,377.00	164,688.50
DAVID A GEAN REVOCABLE TRUST DTD 4/3/92	C/O MARSHA KENDALL TRUSTEE 6615 E PACIFIC COAST HWY #260 LONG BEACH CA 90803-4228	10725-02006	511,785.96	255,892.98
DAVIS FAMILY TRUST	C/O JOSEPH DAVIS & MARION SHARP CO-TRUSTEES 3100 ASHBY AVE LAS VEGAS NV 89102-1908	10725-02334	1,500,000.00	750,000.00
DAVIS INVESTMENTS	20 LEROY TERRACE NEW HAVEN CT 06512	10725-02333	2,000,000.00	1,000,000.00
DAVIS IRA, JOSEPH	3100 ASHBY AVE LAS VEGAS NV 89102	10725-02332	12,000.00	6,000.00
DAVIS YODER TRUST DTD 12/16/00	ROBERT J YODER & NANCY R DAVIS TTEES 12291 PROSSER DAM RD TRUCKEE CA 96161	10725-02084	1,221.64	610.82
DAVIS, TODD	360 W 55TH ST APT 1G NEW YORK NY 10019	10725-02330	1,150,000.00	575,000.00
DENISE F FAGER REVOCABLE TRUST UAD 2/28/03	DENISE F FAGER TTEE 23741 Brisbane Bay Dana Point, CA 9269	10725-02356	1,327,564.06	663,782.03
DENISE F FAGER REVOCABLE TRUST UAD 2/28/03	DENISE F FAGER TTEE 23741 Brisbane Bay Dana Point, CA 9269	10725-02355	1,327,564.06	663,782.03
DERY TENANTS IN COMMON, ANN R & JAMES D	10 LONGMEADOW LN BEACHWOOD OH 44122	10725-02062	303,615.18	151,807.59